



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 496-00

10 July 2000

From: Chairman, Board for Correction of Naval Records
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) Title 10 U.S.C. 1552

Encl: (1) DD Form 149 w/attachments
(2) Case Summary
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Navy filed enclosure (1) with this Board requesting that his reenlistment code be changed.

2. The Board, consisting of Mr. Leeman, Mr. Dunn and Mr. Mazza, reviewed Petitioner's allegations of error and injustice on 6 July 2000 and, pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice, finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that enclosure (1) was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Navy on 10 January 1990 for four years. The record shows that throughout his enlistment he served in an excellent manner. On 16 November 1991 he was advanced to CT03 (E-4). On 23 June 1992 he was issued orders that required two years of obligated service upon reporting to his new command. Since he could not extend or reenlist at that time without having an impact on any future reenlistment bonus, he was required to sign an administrative remarks (page 13) entry acknowledging that if he did not extend or reenlist as required he would be assigned an RE-4 reenlistment code.

d. Petitioner reported to the USS SOUTH CAROLINA (CGN 37)

on 7 December 1992 and incurred the two year obligation from that date. On 1 July 1993 his request for early separation to attend school was approved by the Bureau of Naval Personnel, with the proviso that the command agree to having an open billet until December 1994. Subsequently, the command stated that a billet gap of that duration was unacceptable and recommended that the early separation request be denied. On 11 August 1993 BUPERS denied the request. Petitioner reached the expiration of his enlistment on 9 January 1994 and refused to extend or reenlist in accordance with the page 13 agreement. He was released from active duty on that date with his service characterized as honorable. At that time, he was not recommended for reenlistment and was assigned an RE-4 reenlistment code. Subsequently, he was issued an honorable discharge at the end of his military obligation.

e. Since his release from active duty, Petitioner has graduated from college and has been steadily employed. However, he desires to attend Officer Candidate School and become a Naval officer. With his application, Petitioner has provided excellent character references which recommend his commissioning in the Navy. One of these references is from a Navy captain on the letterhead of the Headquarters, Naval Security Group Command, who states that he knows Petitioner and believes that he would be an excellent Naval officer. He states that he is "confident the Board for Correction of Naval Records will remove the RE-4 code from his record, clearing the way for his selection to Officer Candidate School."

f. Petitioner states that he only accepted the orders because he was informed that the SOUTH CAROLINA would soon be making a Mediterranean cruise. He was disappointed to find that instead of the cruise, she was in the yards undergoing overhaul for the next 12 to 18 months. Except for a brief TAD deployment he was working on the refit of spaces and decided to work on his college degree. He states, in part, as follows:

.... I am not attempting to excuse my failure to honor my extension; I am only trying to explain the circumstances that lead to my decision. I have successfully completed my education and do not regret my decision to leave the Navy. I do however, regret the manner in which I left. I would like to re-embark on a career in the Navy and sincerely hope that my past decision will not hinder my future.

CONCLUSION:

Upon review and consideration of all the evidence of record the Board concludes that Petitioner's request warrants favorable

action. The Board notes that the RE-4 code was correctly assigned on 9 January 1994. However, the Board also notes that his enlisted service was excellent, he has completed his college education and has provided excellent character references. Therefore, he appears to be an excellent candidate for commissioning. The Board concludes that no useful purpose is now served by the RE-4 reenlistment code and it should now be changed to RE-1 so that his application for commissioning can be considered.

RECOMMENDATION:

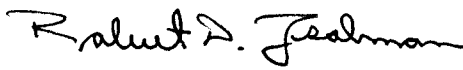
- a. That Petitioner's naval record be corrected to show that on 9 January 1994 he was assigned an RE-1 reenlistment code vice the RE-4 reenlistment code now of record.
- b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.
- c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with this Report of Proceedings, for retention in a confidential file maintained for such purpose, with no cross reference being made a part of Petitioner's naval record.
4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN
Recorder



ALAN E. GOLDSMITH
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6(e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



For W. DEAN PFEIFFER
Executive Director



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG:jdh

Docket No: 496-00

11 July 2000

MR. [REDACTED]

Dear Mr. [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

The final decision in your case is set forth in the Board's report of proceedings, a copy of which is enclosed. The approved changes to your naval record will be made by the Commander, Navy Personnel Command.

Sincerely,

ALAN E. GOLDSMITH
Head, Discharge Review Section